

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
WORCESTER DIVISION

DONALD P. SPEAKMAN, STEPHEN H.
WEDEL and MARK L. ROBARE,
Individually and On Behalf of All Others
Similarly Situated,

Plaintiffs,

V.

ALLMERICA FINANCIAL LIFE INS. &
ANNUITY CO., FIRST ALLMERICA
FINANCIAL LIFE INS. CO., and
ALLMERICA FINANCIAL CORP.

Defendants.

[illegible]

Civil Action No. 4:04-cv-40077-FDS

PLAINTIFFS' ASSENTED-TO MOTION FOR LEAVE TO FILE
CONFIDENTIAL MATERIAL UNDER SEAL
AND TO FILE A REPLY MEMORANDUM IN EXCESS OF 15 PAGES

Now come Plaintiffs and move this Court for leave to file their Reply Memorandum in Support of Plaintiffs’ Motion for Class Certification and the supporting Appendix of Exhibits to Reply Memorandum in Support of Plaintiffs’ Motion for Class Certification, and Appendix of Deposition Excerpts to Reply Memorandum in Support of Plaintiffs’ Motion for Class Certification (hereinafter “Plaintiffs’ Reply and Appendices”) UNDER SEAL. As grounds for this Motion, Plaintiffs state that Paragraph 16 of the Protective Order entered by the Court on October 5, 2005, provides as follows: “If a party wishes to make a submission to the Court that includes Confidential Material, the party shall make a motion in accordance with Local Rule 7.2 to file or present particular Confidential Material under seal. However, if the Court denies permission to file or present the Confidential Material under seal, the party seeking to file or present the material shall not be precluded from filing or presenting the Confidential Material to

the Court.” Plaintiffs’ Reply and Appendices contain and rely on documents produced during discovery in this case designated as “Confidential Material” as defined by the Protective Order.

Plaintiffs also seek leave to file a Reply Memorandum of 36 pages. Plaintiffs respectfully state that the additional matter contained in the Reply Memorandum will assist the Court in its adjudication of the pending Motion for Class Certification.

Defendants assent to this motion.

Because the Court’s Rules prohibit the electronic filing of documents under seal, Plaintiffs are placing their Reply Memorandum and Appendices in over-night mail for delivery tomorrow morning to the Court. Defendants will be served by hand.

Dated: December 6, 2005.

Respectfully submitted,

MOULTON & GANS, P.C.

By: /s/ Nancy Freeman Gans

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ATTORNEYS FOR PLAINTIFFS

LOCAL RULE 7.1(A)(2) CERTIFICATE

I, Nancy Freeman Gans, Esquire, Moulton & Gans, P.C., counsel for Plaintiffs, hereby certify that on December 5, 2005, Robert W. Biederman, Esquire, Hubbard & Biederman, LLP, exchanged e-mails with, and on December 6, 2005, I spoke by telephone with, Jonathan A.

Shapiro, Esquire, Wilmer Cutler Pickering Hale and Dorr LLP, counsel for Defendants, regarding the within Motion. On December 6, 2005, I spoke with C. Alex Hahn, Esquire, Scibelli, Whiteley and Stanganelli LLP, counsel for Defendants, regarding the within Motion. Defendants assent to this Motion.

/s/ Nancy Freeman Gans
Nancy Freeman Gans

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by hand delivery on this the 6th day of December, 2005, to the following attorneys for defendants:

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